

time to define what is meant by an actual conflict of interest. So the amendment that I am offering to you says that those particular provisions of the Political Accountability and Disclosure Act that the commission has used to hold, to conclude that we would misuse our office, so to speak, if we voted when there was an actual conflict of interest, that those provisions will not apply to any vote that we cast unless the vote itself, unless the vote itself results in immediate financial gain to a member, to that member's immediate family or to the business with which that member is associated. Well let me talk about the issue of immediate financial gain. We spend some time looking at case law in this area because there are cases, not out of Nebraska, but out of other states that deal with the question. Here is a case, and this case is probably important to...it's important to me because my wife works for the University of Nebraska at Lincoln and it's important to Senator Wesely because I think his wife works for the Department of Labor and so on. Alabama case, could a member in the Legislature vote on salary increases for state employees when that member's wife was a state employee? Could that be done? Under language in the Alabama Constitution that prohibited a member from voting when there was an immediate financial gain for that member, the Alabama Supreme Court held that the word immediate applies to that member exclusively and not to the body as a whole and, therefore, when that member votes for salary increases to others, i.e., all state employees, that is not immediate financial gain to that member. In other words, an actual conflict of interest arises only when under this kind of language, only when it is imminently clear that the vote will result in dollars going immediately into that member's pocket. Now, Senator Goodrich has got a retirement plan in for the Nebraska Legislature. Okay? Supposing that retirement plan is advanced to the floor of the Legislature, supposing it's advanced to the floor of the Legislature and we are now asked to vote upon whether or not we should authorize a retirement plan for ourselves. Okay? Question: Can we vote on that under existing law? Answer: Because existing law is vague, we might have a problem in voting on that. We might, under the vagueness of existing law, have a problem in voting on that. Question: Could we cast a vote on that under this small change that I am recommending? Answer: Yes, because again under interpretations of this kind of language, the word immediate financial gain, that expression, effectively means that it has to apply to that